



General Assembly

January Session, 2003

Raised Bill No. 833

LCO No. 2799

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING INDOOR TANNING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) As used in sections 1 to 7,
2 inclusive, of this act:

3 (1) "Department" means the Department of Public Health;

4 (2) "Consumer" means any individual who is provided access to a
5 tanning facility in exchange for a fee or other compensation, or any
6 individual who, in exchange for a fee or other compensation, is
7 afforded use of a tanning device as a condition or benefit of
8 membership or access;

9 (3) "Operator" means an individual designated by the tanning
10 facility to control operation of the tanning facility and to instruct and
11 assist the consumer in the proper operation of the tanning device;

12 (4) "Tanning device" or "device" means any equipment that emits
13 radiation used for tanning of the skin, such as a sunlamp, tanning
14 booth or tanning bed that emits ultraviolet radiation, and includes any
15 accompanying equipment, such as protective eyewear, timers or

16 handrails;

17 (5) "Tanning facility" means any place where a tanning device is
18 used for a fee, membership dues or any other compensation;

19 (6) "Ultraviolet radiation" means electromagnetic radiation with
20 wavelengths between two hundred nanometers and four hundred
21 nanometers.

22 Sec. 2. (NEW) (*Effective October 1, 2003*) (a) Each tanning facility shall
23 obtain a license from the Department of Public Health prior to use of
24 such facility by any consumer. Application for such license shall be
25 made on forms provided by the Commissioner of Public Health. The
26 commissioner shall require as a condition to the issuance and renewal
27 of any license obtained under sections 1 to 7, inclusive, of this act that
28 the application be accompanied by a license or renewal fee of two
29 hundred dollars, and a list of each tanning device and each service
30 which the applicant intends to have available for use by consumers
31 during the year of operation following licensure or renewal. Such
32 licenses shall be renewed annually.

33 (b) No tanning facility shall (1) engage in any act or practice which
34 is in violation of or contrary to the provisions of this act or any
35 regulation adopted pursuant to section 7 of this act, (2) claim, or
36 distribute promotional materials that claim that using a tanning device
37 is safe or free from risk or that the use will result in medical or health
38 benefits, or (3) engage in conduct of a character likely to mislead,
39 deceive or defraud the consumer, the public or the commissioner. The
40 Commissioner of Public Health may refuse to grant or renew a license
41 to, or may suspend or revoke the license of, any tanning facility which
42 engages in any conduct prohibited by this act.

43 (c) If the commissioner refuses to grant or renew, or suspends or
44 revokes a license of any tanning facility, the commissioner shall notify
45 the applicant or licensee of the refusal, the grounds for such refusal,
46 and of the right to request a hearing no later than ten days from the

47 date of mailing of the notice of refusal. If the applicant or licensee so
48 requests a hearing, the commissioner shall conduct a hearing
49 concerning such refusal, in accordance with the provisions of chapter
50 54 of the general statutes, concerning contested matters.

51 (d) The Attorney General at the request of the Commissioner of
52 Public Health may apply in the name of the state of Connecticut to the
53 Superior Court for an order temporarily or permanently restraining
54 and enjoining any tanning facility from operating in violation of any
55 provision of sections 1 to 7, inclusive, of this act.

56 Sec. 3. (NEW) (*Effective October 1, 2003*) (a) The Department of Public
57 Health shall inspect all tanning facilities before a license or renewal is
58 granted, and upon receipt of a complaint from a consumer. The
59 inspection may include review of (1) construction and operation of the
60 tanning facility, (2) required records and training documentation, (3)
61 operator knowledge, competency and compliance with the
62 requirements of sections 1 to 7, inclusive, of this act, and (4)
63 compliance with all other requirements of sections 1 to 7, inclusive, of
64 this act and with regulations adopted pursuant to section 7 of this act.

65 (b) The department shall have access at all reasonable times to any
66 tanning facility, including its records, to inspect and determine
67 compliance with this act.

68 Sec. 4. (NEW) (*Effective October 1, 2003*) Each tanning facility shall:

69 (1) Post a sign where readily visible to persons entering the
70 establishment that includes (A) warnings about risks associated with
71 the use of ultraviolet radiation, (B) instructions for use of tanning
72 devices, and (C) notice that consumer complaints may be directed to
73 the Department of Public Health. The same sign shall be posted in a
74 conspicuous location within three feet of each tanning device;

75 (2) Provide each consumer with a written statement and require
76 such consumer's signature prior to use of a tanning device. Such

77 statement shall include warnings about (A) failure to use eye
78 protection, (B) overexposure to ultraviolet radiation, and (C) other
79 health risks associated with use of tanning devices;

80 (3) Use only tanning devices approved by federal law and labeled
81 with instructions for use, recommended exposure positions,
82 recommended duration and frequency of exposure, length of time
83 before expected results appear and the lamp type used;

84 (4) Adopt guidelines for consumer privacy and instruct all
85 employees in procedures to ensure that such guidelines will be
86 followed;

87 (5) Ensure that all tanning devices meet any state or local electrical
88 codes, have physical barriers to protect consumers from injury due to
89 touching or breaking lamps and are maintained in good repair; and

90 (6) Supply protective eyewear free of charge to all consumers, along
91 with instructions for use. Such eyewear shall be sanitized before each
92 use. Operators shall require consumers to wear protective eyewear
93 when using a tanning device.

94 Sec. 5. (NEW) (*Effective October 1, 2003*) (a) No person under the age
95 of fourteen may use a tanning device unless such person presents
96 written permission from a licensed physician.

97 (b) Any minor aged fourteen to seventeen, inclusive, shall be
98 accompanied by a parent or legal guardian each time such minor uses
99 a tanning device. Before any use of a tanning device by a minor, the
100 parent or legal guardian shall present identification and the operator of
101 the tanning facility shall witness the parent's or legal guardian's
102 signing and dating of the statement described in subdivision (2) of
103 section 4 of this act.

104 (c) Failure by the licensed tanning facility to ensure that a consumer
105 is of legal age to utilize the tanning facility and to ensure that all
106 provisions of this section have been met shall result in permanent

107 revocation of such facility's license.

108 Sec. 6. (NEW) (*Effective October 1, 2003*) The provisions of sections 1
 109 to 7, inclusive, of this act shall not apply to (1) phototherapy devices
 110 utilized by health care professionals under the direct supervision of a
 111 licensed physician who is trained in the use of phototherapy devices,
 112 (2) personal use of a tanning device in a private residence, or (3)
 113 tanning devices intended for purposes other than the irradiation of
 114 human skin.

115 Sec. 7. (NEW) (*Effective October 1, 2003*) The Department of Public
 116 Health shall adopt regulations, in accordance with chapter 54 of the
 117 general statutes, to carry out the provisions of sections 1 to 7, inclusive,
 118 of this act. Such regulations shall include, but need not be limited to,
 119 requirements for: Licensing, renewals, suspensions and revocations;
 120 operation of the tanning facility; training standards for operators;
 121 standards for equipment used, including tanning devices; posting of
 122 safety warnings; use of various tanning devices and eyewear; and
 123 records to be kept by the tanning facility and reports to be filed in the
 124 event of any tanning injury.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>

Statement of Purpose:

To regulate the operation of facilities that provide indoor tanning services for the protection of the health and safety of the public.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]